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The United Republic of Tanzania is a multiparty democracy led by the President of the mainland, Benjamin Mkapa. The islands of Zanzibar were integrated into the United Republic's governmental and party structure; however, the Zanzibar Government, which has its own President and Parliament, exercised considerable autonomy. When the country held its second multiparty national elections for President and Parliament in 2000, Mkapa was reelected, and the ruling Chama Cha Mapinduzi (CCM) party made significant gains in its majority in Parliament. On the mainland, international observers concluded that the October 2000 elections were free and fair and conducted peacefully. However, the presidential and parliamentary elections that took place in Zanzibar, were marred by irregularities, voter intimidation, and politically motivated violence. Votes were cancelled in 16 constituencies, and new votes were held in November 2000. The opposition Civic United Front (CUF) boycotted the new vote in protest. The ruling CCM and the CUF parties engaged in a dialog throughout 2001 in an attempt to resolve outstanding issues concerning the 2000 elections and the subsequent violence. In October 2001, the parties reached an agreement, which was designed to lay the foundation for a multiparty democracy in Zanzibar. During the year, both sides made efforts to follow through on the agreement, and several steps were taken to improve the electoral process. The national judiciary was formally independent but was corrupt, inefficient, and subject to executive interference, although there were jurists who were working to improve the judicial function.

The police force had primary responsibility for maintaining law and order. It formerly was supported by citizens' patrols known as "Sungusungu," which remained active in rural areas, but virtually disappeared from urban areas. There also were Sungusungu groups composed of refugees in most refugee camps that acted as quasi-official security forces. The military was composed of the Tanzanian People's Defense Force (TPDF). The People's Militia Field Force (FFU) was a division of, and directly controlled by, the national police force. The security forces were under the full control of, and responsive to, the Government. The security forces regularly committed human rights abuses.

Agriculture provided 82 percent of employment for the population of approximately 35 million. The Government continued macroeconomic reforms that liberalized agricultural policy; privatized over 300 parastatals; rescheduled foreign debt payments; freed the currency exchange rate; stimulated economic growth; and reduced the rate of inflation. The GDP growth rate was 5.6 percent. While the Government attempted to improve its fiscal management, pervasive corruption constrained economic progress.

The Government's human rights record remained poor; while there were improvements in a few areas, serious problems remained. The right of citizens to change their government in Zanzibar was circumscribed severely by abuses of and limitations on civil liberties in 2000. On November 4, the joint commission to investigate reported abuses committed in January 2001 in Zanzibar released its final report. Police were more disciplined during the year; however, members of the police and security forces committed unlawful killings. Police officers mistreated suspected criminals. Unlike in the previous year, there were no reports that police used torture in Zanzibar. Prison conditions throughout the country remained harsh and life threatening. Arbitrary arrest and prolonged detention remained problems. The inefficient and corrupt judicial system often did not provide expeditious and fair trials. Pervasive corruption continued. The Government limited freedom of speech, the press, assembly, and association, particularly for Muslim demonstrators in Zanzibar. In the western part of the country, anti-refugee resentment and hostility continued. The Government pressured Burundian and Rwandan refugees to voluntarily repatriate; however, no forced repatriations occurred. The National Human Rights Commission heard several cases during the year and worked to heighten public awareness of human rights problems. Sexual and gender-based violence and discrimination against women and girls remained problems throughout the country, including in refugee camps. Female genital mutilation (FGM) remained a serious problem. Trafficking of children and child prostitution were problems. The Government continued to infringe on workers' rights, and child labor persisted. Mob justice

remained widespread. Tanzania was invited by the Community of Democracies' (CD) Convening Group to attend the November 2002 second CD Ministerial Meeting in Seoul, Republic of Korea, as a participant.

RESPECT FOR HUMAN RIGHTS

Section 1 Respect for the Integrity of the Person, Including Freedom From:

a. Arbitrary or Unlawful Deprivation of Life

There were no reports of political killings during the year; however, there were reports of unlawful killings.

On January 24, two soldiers killed a man after catching him viewing military aircraft through binoculars. No further information was available about punitive measures taken within the military at year's end.

In a February 4 account, a soldier shot and killed a policeman who attempted to arrest suspects carrying an illegal local beverage. The soldier allegedly joined a group of onlookers who threw rocks at the policeman to stop him from arresting the suspects. The soldier killed one policeman and injured two others, allowing the suspects to escape.

On May 15, a police officer in Pemba shot and killed a mentally disabled man for ignoring an order to stop throwing stones. Witnesses indicated that the police were aware of the man's condition.

During the year, police used excessive force to disperse demonstrations, which resulted in the deaths of demonstrators (see Section 2.b.).

On November 4, the independent commission to investigate police responsibility in the January 2001 violent dispersal of demonstrators on Pemba released its final report. The report stated that police lacked proper riot gear and resorted to live bullets. The report also stated that police used batons, canes, and electric wires to torture suspects in custody and recommended providing police with modern riot gear and civic training. No action was taken during the year against individual police officers responsible for the killings (see Section 2.b.).

No action was taken during the year against police officers that shot and killed one CUF member and injured another in Stonetown, Zanzibar, in January 2001.

There were deaths in custody during the year (see Section 1.c.).

There were no reports of any investigation or action taken in the May 2000 case in which FFU officers in Iringa were accused of beating a man to death for not paying a "development levy;" the July 2000 case in which police killed a prisoner while he was in remand; or the case of a prisoner who died in Moshi Prison in 2000.

There were some reports of violent clashes between clans. For example, in January four persons were killed during a conflict between pastoralists and Asian farmers.

Mob justice against suspected criminals persisted, despite government warnings against it. Throughout the year, the media reported numerous incidents in which mobs killed suspected thieves who were stoned, lynched, beaten to death, or doused with gasoline and set on fire. The Government took some measures to prosecute those who participated in mob justice. On June 7, three persons were sentenced to death after the High Court convicted them of murder in a mob justice prosecution; however, the sentence had not been carried out by year's end. The crime occurred in 1997, when the innocent victim was killed before a local businessman arrived on the scene and attested to his innocence.

The widespread belief in witchcraft in some instances led to the killing of alleged witches by their "victims," aggrieved relatives, or mobs. Government officials criticized these practices, and some arrests were made; however, most perpetrators of witch killing or mob justice eluded arrest, and the Government did not take preventive measures during the year.

b. Disappearance

There were no reports of politically motivated disappearances.

Unlike in the previous year, there were no reports during the year of children being abducted from refugee camps in the western part of the country.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment

The Constitution prohibits such practices; however, there were reports that police officers threatened, mistreated, or occasionally beat suspected criminals during and after their apprehension and interrogation. The Government seldom prosecuted police for abuses in practice. During the year, police used force to disperse one large gathering (see Section 2.b.). There continued to be numerous reports that police officers used torture, including beatings and floggings, during the year.

Unlike in the previous year, there were no reports of police officers threatening, mistreating, beating, or arresting relatives of criminal suspects.

The police and the judicial system continued to use corporal punishment. On June 4, a high court in Dodoma ordered six cane strokes for a juvenile convicted of manslaughter. In July Justice Minister Mwapachu said that the issue of whether to continue the practice of caning offenders would be suspended until the Government carried out thorough investigations.

No action was taken against the members of the security forces responsible for torturing, beating, or otherwise abusing persons in the following cases from 2000: The April beatings and police brutality in Stone Town in Zanzibar; the October beating of persons who violated the 7 p.m. curfew imposed in Wete, Pemba; the October beating of a man in custody; the October shooting of six CUF supporters; the October beating of a man during a CUF meeting; the October beating of Fortunatus Masha, an opposition candidate who was vice-chairman of his party; the October injuring of several arrested persons in Pemba; the November beating of several CUF officials in Stone Town in Zanzibar; the November case in which police reportedly broke the jaw of a detainee; and the November beating and reported torture of opposition officials in Zanzibar.

Sexual abuse and rape of detainees was a problem; however, the Government took some steps during the year to discourage and punish such abuses. On March 25, following public protest, the Minister of Home Affairs ordered the Inspector General of Police to investigate a policeman who allegedly raped a 16-year-old girl in November 2001 while she was at a police station. The action was ordered after complaints that the suspect had not yet been charged or summoned to court. The investigation was pending at year's end.

In previous years, security forces regularly used beatings, tear gas, and other forms of physical abuse to disperse large gatherings. During the year, police forces were more disciplined in their handling of demonstrations; however, in February they used tear gas to disperse one large gathering, which resulted in deaths and injuries (see Section 2.b.).

The Government promoted police training during the year in an effort to reduce police impunity. On December 2, the first Civil Disorder Management training session was held; 35 police officers attended from throughout the country, including Zanzibar.

In response to police corruption and impunity, the Inspector General of Police transferred 74 police officers from the Arusha Central Police Station following allegations that they were complicit in a series of thefts. In June 2001, the Inspector General of Police reorganized the police force. The action included transfers of police officials throughout the country, some for suspected misconduct, in order to improve police performance and fight corruption in the police force. The internal investigation of a police officer accused of harassing and attempting to bribe a local businessman was ongoing at year's end. Despite these actions and those of the Prevention of Corruption Bureau (a separate and ineffectual arm of the police force tasked with combating police corruption), there were numerous complaints from civil society groups about police corruption during the year.

The People's Militia Laws grant quasi-legal status to the traditional Sungusungu neighborhood and village anticrime groups. The Sungusungu still exist, particularly in rural areas such as the Tabora, Shinyanga, and Mwanza regions, and in refugee camps. Members of Sungusungu have additional benefits similar to those given to police officials, including the right to arrest persons. In return members of Sungusungu were expected to be held accountable for any abuses.

In January radical Muslims bombed popular bars in Zanzibar Town because they served alcohol and employed prostitutes.

By year's end, no group had claimed responsibility for the 2000 bomb explosion at a school in Stone Town, Zanzibar that was used as a polling office for the November 2000 re-run elections or for the December 2001 bomb explosions in Zanzibar Town.

A general lack of trust in the police force and in the court system resulted in a high incidence of mob justice during the year.

There was significant hostility and resentment against Burundian refugees during the year and continuing concern regarding violence allegedly perpetrated by some armed Burundian and Rwandan refugees. Local officials reported incidents of banditry, armed robbery, and violent crime, perpetrated by refugees in the areas surrounding refugee camps. Sexual and gender-based violence remained a problem in refugee camps (see Sections 2.d. and 5). There also were credible reports that some refugees engaged in vigilante justice within camps, occasionally beating other refugees.

Prison conditions remained harsh and life threatening. In April the Minister of Justice stated that the Government had failed to implement the U.N. standard rules for treatment of prisoners, due to massive overcrowding at prisons nationwide, which prevented the Government from housing serious offenders separately. The prisons were designed to hold 21,000 persons, but the actual prison population was estimated at more than twice that number. The Government expanded prisons, but its efforts have not kept pace with the growing number of prisoners. The Government did not release statistics on the prison expansion program or on the extent of overcrowding during the year. Some prisoners were paroled or received suspended sentences as a means of relieving overcrowding.

Prisoners were subjected to poor living conditions, and the daily amount of food allotted to prisoners was insufficient to meet their nutritional needs. Convicted prisoners were not allowed to receive food from outside sources and often were moved to different prisons without notifying their families.

Prison dispensaries offered only limited treatment, and friends and family members of prisoners generally had to provide medication or the funds with which to purchase it. Serious diseases, such as dysentery, malaria, and cholera, were common and resulted in numerous deaths. There were reports that guards abused prisoners during the year. Pretrial detainees were held with convicted prisoners but were allowed to receive food from the outside.

On November 2, one man died in custody; post-mortem evidence indicated that he died from a head injury.

On November 17, 17 prisoners suffocated to death in a jail cell in Mbeya. The cell, which was built to hold 30 prisoners housed 112 prisoners when the deaths occurred. Another 17 prisoners received medical treatment at a hospital. Five police officers, including the Officer Commanding District (OCD), were arrested and charged with murder; no trial date was set by year's end.

The Prisons Act requires prisoners to be separated based on age and gender, and female prisoners were held separately from male prisoners in practice. Women sent to remand prison reported that they were forced to sleep naked and subjected to sexual abuse by wardens. Juveniles were protected under both the Prisons Act and the Young Persons Ordinance Act, which also requires separation according to age. However, there were limited resources to provide for juveniles and only two juvenile detention facilities existed in the country. As a result juveniles were not always separated from adults in practice.

Local nongovernmental organizations (NGOs) were permitted to monitor prison conditions; however, the Government did not grant permission to international NGOs to monitor prison conditions. The ICRC visited prisoners on Zanzibar and Pemba as well as combatants imprisoned in the western part of the country, provided surgical supplies, financial support, and trained to the region's medical facilities, which treated war-wounded from Burundi and the Democratic Republic of the Congo (DRC). The U.N. High Commissioner for Refugees (UNHCR) monitored conditions in the small prison that held special categories of refugees. The Government permitted UNHCR visits to prisons holding refugees in Dar es Salaam.

d. Arbitrary Arrest, Detention, or Exile

Arbitrary arrest and detention were problems. The law requires that a person arrested for a crime, other than a national security detainee under the Preventive Detention Act, be charged before a magistrate within 24 hours; however, in practice the police often failed to comply. In some cases, accused persons were denied the right to contact a lawyer or talk with family members.

The law restricts the right to bail and imposes strict conditions on freedom of movement and association when bail is granted. Bail was set on a discretionary basis by judges based on the merits of each case; however, there was no bail in murder or armed robbery cases.

Bribes often determined whether bail was granted or whether a case was judged as a civil or criminal matter. There were reports of prisoners waiting several years for trial because they could not bribe police and court officials. Because of backlogs, an average case took 2 to 3 years or longer to come to trial. Observers estimate that approximately 5 percent of persons held in remand ultimately were convicted, and often those convicted already had served their full sentences before their trials were held. The authorities acknowledged that some cases had been pending for several years.

Under the Preventive Detention Act, the President may order the arrest and indefinite detention without bail of any person considered dangerous to the public order or national security. This act requires that the Government release detainees within 15 days of detention or inform them of the reason for their detention. A detainee also was allowed to challenge the grounds for detention at 90-day intervals. The Preventive Detention Act has not been used for many years nor was it used during the year. The Court of Appeals ruled that the act cannot be used to deny bail to persons not considered dangerous to society; however, the Government still has not introduced corrective legislation. The Government has additional broad detention powers under the law, which permit regional and district commissioners to arrest and detain for 48 hours persons who may "disturb public tranquility."

During the year, the May 2001 hunger strike by 12 inmates in Keko was resolved when court officials met with the strikers. The inmates had been imprisoned for as many as 10 years without trials. Their cases reportedly continued to progress through the courts, and at least one case was in the appeals process.

In October 2001, 18 CUF defendants accused of treason, who were released in 2000 after spending more than 2 years in prison without being convicted, introduced a civil suit against the Government seeking compensation for time in prison. The case remained pending at year's end.

The Government used arbitrary arrest on a few occasions. For example, on August 4, opposition leader Christopher Mtikila of the Democratic Party was arrested and charged with making seditious remarks after alleging that President Mkapa was a national of Mozambique. These statements prompted the Registrar of Political Parties to threaten to deregister the Democratic Party if Mtikila was convicted of sedition. There was no further information on the case by year's end.

During the year, persons were arrested following the forcible dispersion of demonstrations (see Section 2.b.).

Police continued to make arbitrary arrests to extort money. For example, on June 5, two police detectives were arrested after they solicited and obtained \$100 (100,000 shillings) from persons who they accused of possessing stolen property.

There were reports that the police arrested and detained refugees (see Section 2.d.).

In October 2001, all charges against persons arrested in connection with the January 2001 demonstrations were dropped, and all detainees were released as part of the October 10 reconciliation agreement between the CCM and the CUF, which called for the release of all persons in custody who were associated with the January 2001 events (see Section 2.b.).

In 2001 police arrested Tanzania Labor Party (TLP) chairman Augustine Mrerna and Lawyers' Environment Action Team (LEAT) President Nshala Rugemeleza and charged them with seditious intent for LEAT's role in investigating claims that miners were killed at Bulyanhulu in 1996; the case was still pending at year's end.

Unlike in previous years, police in Zanzibar did not detain, arrest, or harass CUF members and suspected supporters.

There were reports that nongovernment militiamen detained persons. In October local militiamen in Tarime town detained 20 suspected criminals in a small room in a warehouse for more than 2 weeks without delivering them to the police for legal action.

The Constitution does not permit the forced exile of its citizens, and the Government did not use forced exile in practice.

e. Denial of Fair Public Trial

The Constitution provides for an independent judiciary; however, the judiciary was corrupt, inefficient, and subject to executive influence.

The higher courts increasingly demonstrated independence from the Government. Senior police or government officials no longer pressured or reassigned judges who made unpopular rulings. However, independent observers continued to criticize the judiciary, especially at the lower levels, as corrupt and inefficient and questioned the system's ability to provide a defendant with an expeditious and fair trial. Clerks took bribes to decide whether or not to open cases and to hide or misdirect the files of those accused of crimes. Magistrates occasionally accepted bribes to determine guilt or innocence, pass sentences, withdraw charges, or decide appeals. In 2000 the Minister of Justice acknowledged in public statements that problems within the judiciary included unwarranted delays in the hearing of cases, falsified recording of evidence in court records, bribery, improper use or failure to use bail, and unethical behavior on the part of magistrates. For example, on September 4, 12 persons detained for operating a "sex parlor" were denied bail because police failed to transport the detainees from the prison to the court in order to plead bail.

The Government made little progress in addressing judicial corruption. Judicial ethics committees failed to offer recommendations to improve the credibility and conduct of the judiciary. The Prevention of Corruption Bureau (PCB) received 16 reports of judicial bribery during the year. For example, on November 22, a Primary Court magistrate was arrested after she received \$50 (50,000 shillings) of a \$150 (150,000 shillings) bribe that she demanded from the accused in a case about grazing rights. The magistrate previously had been reprimanded on numerous occasions for soliciting bribes.

Of the magistrates and court clerks arrested in 2000 and 2001 for corruption, three remained in prison at year's end. The others were acquitted; however, they received administrative penalties, including suspension from work, dismissal, and forced retirement.

The legal system was based on the British model, with modifications to accommodate customary and Islamic law in civil cases. Christians were governed by customary or statutory law in both civil and criminal matters. Muslims could apply either customary law or Islamic law in civil matters. The court system consists of primary courts, district courts, the High Court, and the Court of Appeals. Advocates defended clients in all courts, except in primary courts. There was no trial by jury. In addition to judges, there were district (or resident) magistrates. The law also provides for commercial courts, land tribunals, housing tribunals, and military tribunals. However, military tribunals have not been used in the country since its independence. Military courts did not try civilians, and there were no security courts. Defendants in civil and military courts could appeal decisions to the High Court and Court of Appeal. In refugee camps, Burundian mediation councils, comprised of male refugee elders, often handled domestic abuse cases of Burundian refugees even though the law does not allow these councils to hear criminal matters.

Zanzibar's court system generally parallels that of the mainland but retained Islamic courts to adjudicate Muslim family cases such as divorce, child custody, and inheritance. Islamic courts only adjudicated cases involving Muslims. Cases concerning Zanzibar constitutional issues were heard only in Zanzibar's courts. All other cases could be appealed to the national Court of Appeal.

Criminal trials were open to the public and to the press; courts were required to give reasons on record for holding secret proceedings. In November Parliament passed the Prevention of Terrorism Act, which excludes everyone except the interested parties from trials of terrorist suspects and suppresses information to protect the identity of witnesses in those trials. The law had not been implemented by year's end. Criminal defendants had the right of appeal.

The law provides for a right to defense counsel. The Chief Justice assigns lawyers to indigent defendants charged with serious crimes such as murder, manslaughter, and armed robbery. There were only a few hundred practicing lawyers in the country, and most indigent defendants charged with lesser crimes did not have legal counsel.

There was a separate facility for young offenders; however, the court was underutilized and many juvenile offenders still were tried in adult courts. Some cases continued to be sent through the traditional court system where they were processed faster due to a less significant backlog than in the regular civil court system.

There were no reports of political prisoners.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence

The Constitution generally prohibits such actions without a search warrant; however, the Government did not respect consistently the prohibitions in practice. The Prevention of Terrorism Act permits the police to conduct searches without a warrant in certain urgent cases.

The law authorizes police officials, including the civilian anticrime groups, to issue search warrants; however, the act also authorizes searches of persons and premises without a warrant if necessary to prevent the loss or destruction of evidence connected with an offense or if circumstances are serious and urgent. In practice police and members of other security services rarely requested warrants and often searched private homes and business establishments at will. The security services reportedly monitored telephones and correspondence of some citizens and foreign residents.

Unlike in the previous year, there were no reports that police officers broke into homes and businesses in Zanzibar, or that police officers in Pemba conducted house-to-house searches for opposition supporters. There also were no reports that telephone communications from Pemba were monitored or that connections were cut off during telephone calls.

The CCM remained influential. While in the past CCM membership was necessary for advancement in political and other areas, CCM membership was voluntary.

Unlike in the previous year, there were no reports of police officers threatening, mistreating, beating, or arresting relatives of criminal suspects.

Section 2 Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

The Constitution provides for freedom of speech and of the press; however, the Government limited these rights in practice. The law limits the media's ability to function effectively. Government ministries and the Registrar of Newspapers pressured journalists to practice self-censorship. The Government allowed political opponents unrestricted access to the media.

Citizens on both the mainland and in Zanzibar generally enjoyed the right to discuss political alternatives freely; however, there were instances in which freedom of speech was restricted severely. Political parties were required by law to support the continuation of the Union. Opposition political party members and others openly criticized the Government and ruling party in public forums; however, persons using "abusive language" against the country's leadership may be subject to arrest, and the Government used this provision to detain some opposition figures (see Section 1.d.).

The press on the mainland was outspoken and unrestricted. Even the government-owned newspaper regularly reported events that portrayed the Government unfavorably. There were 10 daily newspapers and 22 other newspapers in English and Kiswahili, along with another dozen periodicals, some of which political parties, both the CCM and the CUF, owned or influenced. There was no official censorship, but throughout the year the Government continued to pressure newspapers to suppress or change articles unfavorable to it. In 2001 two newspapers were forced to close reportedly because of lewd content, and they remained closed at year's end.

In Zanzibar the Government implemented a restrictive policy with regard to print media. The Zanzibar News Act circumscribed journalists' freedom of action by giving the authorities greater protection to harass, detain, and interrogate journalists. Private mainland newspapers were available widely in Zanzibar, and many residents could receive mainland television.

Private radio and television stations broadcast in Dar es Salaam and in a few other urban areas, although their activities may be circumscribed. The Government reportedly did not censor news reports, but it attempted to influence their content. In Zanzibar the Government controlled radio and television. Some journalists, such as those in Zanzibar, exercised self-censorship on sensitive problems. Journalists who reported arrests could be charged with obstructing police activity under the Police Act. The law authorizes the Government to prevent television cameramen from filming the swearing-in of an opposition M.P.

The Media Council operated with limited effectiveness during the year. The Council served as an adjudicating body

when journalists infringe upon the voluntary code of ethics and has the power to impose fines. The Council resolved 12 cases during the year: In 6 cases, the newspapers were ordered to print a public apology and a corrected story; in 4 cases, they were fined; and in 2 cases, they were absolved. There were 21 pending cases at year's end.

In 2000 the Government banned the book, "The Mwembechai Killings and the Political Future of Tanzania" for being "incendiary."

The Government did not restrict academic freedom. Academics, increasingly outspoken in their criticism of the Government, continued their calls for reform during the year.

b. Freedom of Peaceful Assembly and Association

The Constitution provides for freedom of assembly; however, the Government limited this right in practice. To hold rallies, political parties were required to obtain police permission in advance. Police had the authority to deny permission on public safety or security grounds or if the permit seeker belonged to an unregistered organization or political party. The authorities arrested citizens for assembling without the appropriate permit.

Security officials interfered with citizens' rights to assemble peacefully on a few occasions. On February 13, police intervened and fired tear gas at a Muslim prayer meeting to commemorate the 1998 Mwembechai mosque riots. Security forces shot and killed one resident who allegedly resisted arrest. A group of youths severely beat a police officer, who later died from his injuries. The organizers claimed that the event had been peaceful until the police intervened; the police used tear gas to disperse demonstrators and prevent a clash between rival Muslim groups. The Government subsequently convinced Muslim groups to cancel a series of demonstrations planned for March 29 to protest the February events. Following the violence, the police arrested eight Muslims, including two leaders, charged them with murder, and denied them bail. In August all charges were dropped, and they were released from prison.

Opposition parties at times were unable to hold rallies. CUF meetings were banned periodically. On October 25, the CHADEMA Member of Parliament was arrested for holding a mass rally for which the police had denied a permit. The police claimed they had banned the open-air rally to prevent the spread of meningitis. Security officials interfered with citizens' rights to assemble peacefully on a few occasions.

During the year, Amnesty International (AI) and Human Rights Watch (HRW) published reports detailing violations of peaceful assembly on Zanzibar and Pemba in January 2001. The Government released its own independent commission's report, which made recommendations to prevent the recurrence of violence; however, no action was taken against individual officers who were responsible for killings, torture, rape, beatings, and looting during the forcible dispersal of the demonstrations (see Section 1.a.).

The cases against 41 Muslims arrested during a demonstration in August 2001 remained pending at year's end.

No action was taken against the police who used excessive force to disperse the August 2001 Muslim demonstrations.

No action was taken against the police who used excessive force to disperse the following rallies and demonstrations in Zanzibar in 2000: The January use of tear gas to disperse riots that began when hundreds of CUF supporters were not allowed to observe the trial of 18 CUF supporters accused of treason; the October beatings and use of tear gas, rubber bullets, and live ammunition against CUF opposition activists in Zanzibar; and the October beatings and use of excessive force against both demonstrators and bystanders during rallies and demonstrations in the Darajani district of Stone Town in Zanzibar.

The Constitution provides for freedom of association; however, the Government limited this right in practice. The Registrar of Political Parties has sole authority to approve or deny the registration of any political party and is responsible for enforcing strict regulations on registered parties. During the year, the Registrar deregistered two political parties, the Tanzanian People's Party (TPP) and the Popular National Party (PONA), for a lack of compliance with their respective constitutions. The Democratic Party of Christopher Mtikila, which in the past was not allowed to register due to a lack of representation on Zanzibar, officially was registered, bringing the total to 14 political parties.

Under the amended Constitution and various laws, citizens may not form new political parties independently, but must comply with certain requirements to register a new party with the Office of the Registrar. The Electoral Law

prohibits independent candidates; requires all standing M.P.'s to resign if they join another party; requires all political parties to support the union with Zanzibar; and forbids parties based on ethnic, regional, or religious affiliation. Parties granted provisional registration may hold public meetings and recruit members. They have 6 months to submit lists of at least 200 members in 10 of the country's 25 regions, including 2 regions in Zanzibar, to secure full registration and to be eligible to field candidates for election. Unregistered parties were prohibited from holding meetings, recruiting members, or fielding candidates. In November 2001, two political parties, Chama Cha Demokrasia Makini and CHAUSTA, obtained registration.

Under the Societies Ordinance, the Ministry of Home Affairs must approve any new association. There were 2,700 registered NGOs. During the year, the Government continued a general suspension of registration of religious NGOs on the grounds that many were being formed for the purpose of evading taxes.

A number of professional, business, legal, and medical associations addressed political topics.

Zanzibar has the same NGO registration policy as the mainland, and NGOs conducted activities in Zanzibar during the year.

c. Freedom of Religion

The Constitution provides for freedom of religion, and the Government generally respected this right in practice, subject to measures that it claimed were necessary to ensure public order and safety; however, there were some limits on freedom of religion.

Government policy forbids discrimination against any individual on the basis of religious beliefs or practices; however, individual government officials allegedly favored persons who shared the same religion in the conduct of business.

The Government required that religious organizations register with the Registrar of Societies at the Home Affairs Ministry. To register, religious organizations must have at least 10 followers and provide a constitution, the resumes of their leaders, and a letter of recommendation from their district commissioner. Groups no longer were required to provide three letters of recommendation from the leaders of registered Christian churches or from registered mosques; however, some Muslim groups claimed that they still were required to submit a letter of recommendation from BAKWATA, the National Muslim Council of Tanzania. There were no reports during the year that the Government refused the registration of any group.

The Government banned religious organizations from involvement in politics, and banned politicians from using language designed to incite one religious group against another or to encourage religious groups to vote for certain political parties. The law imposes fines and jail time on political parties that campaign in houses of worship or educational facilities.

In October 2001, the Zanzibar Government passed a bill to establish an Islamic leader (mufti) office on the island, similar to that which exists on the mainland. Government officials claimed that a mufti office was needed to coordinate Islamic activities and improve religious understanding; however, several Muslim organizations criticized the proposal as an effort by the union Government to institutionalize government oversight of Islamic organizations.

The law prohibits preaching or distribution of materials that are considered inflammatory and represent a threat to the public order. In 2000 the Government banned as inflammatory the publication and distribution of a book by a Muslim academic. Unlike in the previous year, urban Muslims did not distribute videotapes of the Mwembechai riots to document perceived human rights abuses; the Government outlawed these videotapes for being incendiary.

The Muslim community claimed to be disadvantaged in terms of its representation in the civil service, government, and parastatal institutions, in part because both colonial and early post-independence administrations refused to recognize the credentials of traditional Muslim schools. As a result, there was broad Muslim resentment of certain advantages that Christians were perceived to enjoy in employment and educational opportunities. Muslim leaders complained that the number of Muslim students invited to enroll in government-run schools still was not equal to the number of Christian students. In turn Christians criticized what they perceived as lingering effects of undue favoritism toward Muslims in appointments, jobs, and scholarships by former President Ali Hassan Mwinyi, a Muslim. Christian leaders agreed that the Muslim student population in institutions of higher learning was disproportionately low; however, they blamed this condition on historical circumstances rather than discrimination.

The Government failed to respond to growing tensions between the Muslim and Christian communities. The Government recognized that a problem existed, but it did not take action. Senior Muslim officials in the Government appeared unwilling to address the problem beyond general criticism of those who fomented religious conflict.

During the year, police forcibly disrupted a Muslim prayer meeting (see Section 2.b.).

Unlike in the previous year, there were no reports of violence or harassment on Pemba.

In December 2001, police in Zanzibar arrested more than 20 leaders of the Answar Sunna sect for conducting Eid el Fitr prayers on a day other than that designated by the Government of Zanzibar. No further information was available at year's end.

Generally there were stable relations between the various religious communities; however, there was some tension between Muslims and Christians, and some tension between moderate and fundamentalist Muslims. It was estimated that the mainland was 60 percent Christian and 40 percent Muslim, while Zanzibar was 97 percent Muslim. Some urban Muslim groups claimed there was discrimination in government hiring and law enforcement practices. Rural Muslim groups did not appear to share urban Muslims' concerns to the same extent.

Some observers reported signs of increasing tension between secular and fundamentalist Muslims, as the latter felt that the former had joined with the Government for monetary and other benefits. The fundamentalist Muslims accused the Government of being a Christian institution, and Muslims in power as being interested only in safeguarding their positions. Fundamentalist Muslims severely criticized secular Muslims who drank alcohol or married Christian women. Muslim fundamentalists attempted, unsuccessfully, to introduce Muslim traditional dress into the national school system. Fundamentalist groups also exhorted their followers to vote only for Muslim candidates.

In January radical Muslims detonated a petrol bomb in a hotel/guesthouse in Zanzibar, where alcohol and prostitutes were available.

For a more detailed discussion, see the 2002 International Religious Freedom Report.

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation

The Constitution provides for these rights, and the Government generally respected them; however, bureaucratic inefficiency and corruption delayed implementation in practice. Passports for foreign travel at times were difficult to obtain, mostly due to bureaucratic inefficiency and officials' demands for bribes. Citizens could return to the country without difficulty.

Unlike in the previous year, no curfews were imposed during the year.

During the year, there were no reports of roadblocks in Pemba.

Mainlanders were required to show identification to travel to Zanzibar, although the requirement largely was ignored in practice. Zanzibaris needed no special identification to travel to the mainland. Mainlanders were not allowed to own land in the islands, except in partnership with foreign investors. There was no prohibition against mainlanders working in the islands; however, in practice few mainlanders were hired.

In February 2001, the Government declared that four government and party officials were noncitizens and therefore no longer could retain their positions. Those persons designated by the Government as noncitizens included a well-known journalist, the High Commissioner to Nigeria, a regional CCM chairman, and the Zanzibar CCM publicity secretary. The four were instructed to apply for resident permits. During the year, the Government restored the citizenship in three of the four cases, but the case of the journalist was still pending at year's end.

Following the outbreak of violence in Pemba in January 2001, several hundred refugees fled to Kenya. In May 2001, refugees began to return to Pemba, and most of the refugees had returned to the country by year's end.

In July 2001, following violent clashes that broke out in Tarime District in the northwest between members of the Walyanchoka and Waanchari clans, numerous persons fled across the border into Kenya (see Section 5). Most of those who fled had returned by year's end.

The law includes provisions for the granting of refugee and asylum status in accordance with the provisions of the 1951 U.N. Convention Relating to the Status of Refugees and its 1967 Protocol, and these provisions generally were respected in practice with a few exceptions. The Government generally cooperated with the UNHCR; however, relations were strained following the pressuring of Burundian and Rwandan refugees to repatriate. The Government maintained an open border policy both with regard to neighboring countries' refugees and to persons seeking political asylum. The UNHCR estimated that there were approximately 987,000 refugees in the country during the year. The country continued to provide first asylum to refugees, particularly those fleeing conflict in the region. During the year, the country hosted 517,000 refugees living in 12 UNHCR assisted camps in the northwest, as well as 470,000 "old caseload" Burundian refugees who have lived in the country since the 1970s and largely have integrated into local communities. Of the 517,000 refugees living in UNHCR camps, approximately 70 percent were Burundian. The country also hosted 139,000 Congolese, 15,000 Rwandans, and 3,000 Somalis in the camps. Refugees continued to arrive in the country during the year, most of them fleeing instability and conflict in Burundi and the DRC. A smaller number returned to their homes, mostly in Rwanda and some parts of Burundi.

Unlike in previous years, there were no reports that local authorities forcibly expelled refugees; however, following the establishment of Burundi's transitional government in November 2001, the Government promoted the "facilitated return" of Burundian refugees. Between March and August, approximately 20,000 Burundians voluntarily repatriated, and 80,000 more registered to return. UNHCR officials stated during the year that they did not believe conditions in Burundi were conducive for safe and sustainable return, and some returnees expressed fears that the Government would force them out of the country if they did not leave voluntarily. Many Burundian refugees reportedly repatriated under the perceived threat of refoulement or diminished food supplies. However, the UNHCR, with strong encouragement from the Government, continued to facilitate limited returns to designated areas in Burundi that were considered secure. From April to July, more than 220 Burundian children were imprisoned at Mwisu separation facility in violation of agreed procedures for detaining refugees.

In October the Minister of Home Affairs announced plans for the remaining Rwandan refugees in the country to return home by year's end. On November 28, the Minister of Home Affairs said that the Government would revoke refugee status to all Rwandans who remained in the country at year's end. The Government of Rwanda agreed to receive the refugees. The Government joined with UNHCR and the Rwandan Government to issue a communique describing plans to intensify UNHCR's voluntary repatriation program.

Antirefugee sentiment among local citizens was high due to the provision of goods and services for refugees that were not available to the local population; however, the UNHCR, NGOs, and international organizations made many of these services available to the local population to alleviate some tension.

There were 12 refugee camps in the country. It was illegal for refugees to live outside of the camps or settlements or to travel outside a 2.5-mile radius of their respective camps without permission. However, refugees in the Kasulu region often had to travel more than 5 miles to collect firewood because local supplies were inadequate; these refugees, usually women and children, were subject to theft, physical abuse, or rape. Food and water shortages and outbreaks of disease (including meningitis) plagued refugee camps in the west during the year. The authorities restricted employment opportunities outside the camps. There were reports that some refugees engaged in vigilante justice within camps, occasionally beating other refugees.

Sexual and gender-based violence continued to be a problem in the refugee camps. The Government did not adequately investigate, prosecute, or punish perpetrators of abuses in refugee camps. There was no mechanism within refugee camps to punish abusers, and most cases were not referred to local authorities. Police officials lacked special training in the area of domestic abuse, and local and traditional courts, which both handled domestic violence cases, lacked necessary resources (see Section 5). Among Burundian refugees, mediation councils comprised of male refugee elders often handled domestic abuse cases (see Section 1.e.).

There was continuing concern over violence allegedly perpetrated by some armed refugees. Local officials reported incidents of killings, banditry, armed robbery, and violent crime perpetrated by refugees in the areas surrounding refugee camps. There were several reports that Burundian rebels conducted training and recruitment in the camps; however, unlike in the previous year, there were no reports that Burundian rebels abducted children from refugee camps.

The UNHCR conducted an investigation into a report that 24 Burundian refugees were burned alive, but it found no evidence to substantiate the allegation.

Section 3 Respect for Political Rights: The Right of Citizens to Change Their Government

The Constitution provides citizens with the right to change their government peacefully; however, this right was circumscribed severely in 2000. The Government engaged in a dialog with the opposition throughout 2001 and during the year to ensure a more open and transparent process for the next elections. The Government of Zanzibar announced that it would schedule by-elections for March 2003, to fill the parliamentary seats declared vacant as a result of disputes originating in the 2000 elections. In preparation for those by-elections, the Government worked during the year to reform the Zanzibar Electoral Commission (ZEC) as required by the October 2001 reconciliation agreement.

In October 2000, the country held its second multiparty elections on the mainland and Zanzibar. On the mainland, international observers concluded that the elections were free and fair and conducted peacefully; however, in Zanzibar four separate international observer teams concluded that the vote was marred by irregularities, voter intimidation, and politically motivated violence. The incumbent President of the mainland, Benjamin Mkapa, was reelected with 71 percent of the vote. Thirteen parties participated in the election; six won seats in Parliament. The ruling CCM party increased its majority in Parliament, winning 167 out of 181 seats. Opposition candidates gained 11 seats in 6 of the 19 mainland regions for a total of 14 seats on the mainland; the CUF won 16 seats in Zanzibar. The CUF refused to recognize the election results in Zanzibar, demanded new elections, and boycotted the union and Zanzibar elections. In April 2001, the National Assembly passed a law that allows by-elections to fill seats that remain vacant for 2 years, and the Speaker announced that the 15 boycotted CUF seats from Pemba were vacant.

During the year, the Government arrested an opposition member for sedition (see Section 1.d.).

In 2000 local authorities in Mwanza forced persons attempting to register to vote to provide documentary proof that they had paid local government taxes before they allowed them to register, even though there was no legal requirement for voters to prove payment of taxes to register. In Zanzibar there were credible reports of irregularities during the voter registration process conducted in preparation for the 2000 elections.

Voting irregularities during the 2000 elections included the late arrival and absence of ballots and the late opening of polling stations. Four groups of international election observers criticized the Zanzibar vote and called for a re-run election in all of the Zanzibar constituencies; however, new elections were held in only 16 of the 50 constituencies in November 2000.

Voter turnout for the November 2000 elections was low. The opposition boycotted the re-run election, claiming that the elections already had been compromised. After the re-run, the ruling party announced that it had won all of the constituencies in Zanzibar and four constituencies in Pemba (where they previously did not hold any seats). The final results of the re-run election gave the ruling CCM party 34 seats in the 50-seat House of Representatives and 35 seats in the 50-seat National Assembly. CCM candidate Amani Karume was declared the new Zanzibari President.

Government security forces and CCM gangs increased harassment and intimidation of CUF members on the Zanzibar islands of Pemba and Ugunja in the 3 months before the 2000 elections. Security forces forcibly dispersed gatherings and intimidated, harassed, arrested, and beat persons (see Section 1.c.). During the re-run elections, police beat and reportedly tortured opposition officials.

Following the January 2001 demonstrations in Zanzibar and the ensuing violence, domestic political pressure and international donor pressure encouraged the CCM and CUF to engage in a dialog on the future of electoral politics in Zanzibar. The dialog concluded with a reconciliation agreement signed in October 2001. The CCM and CUF agreed to implement fully an earlier accord that the Commonwealth had brokered in 1999 to resolve conflicts stemming from the 1995 elections on Zanzibar. Provisions of the 1999 accord that never fully were implemented were incorporated into the 2001 agreement, which included provisions to: Appoint an independent and impartial ZEC and judiciary; create a Joint Presidential Supervisory Commission, comprised of 5 members from each party, to implement the accord; eliminate discrimination in government hiring; and eventually organize by-elections for 16 parliamentary seats; appoint an independent commission to investigate the extent and cause of the January 2001 violence, with all pending police charges against demonstrators dropped and humanitarian assistance provided to families of the victims; and allow for the safe return of all remaining Pemban refugees in Kenya, with immunity from prosecution for any crimes that may have been committed during the January 2001 violence. Several of the provisions were implemented, including the return of all refugees in Kenya and the dropping of police charges against demonstrators.

There were no legal restrictions on the participation of women in politics and government. Women occupied 60 seats in Parliament: 12 female M.P.'s were elected members of the CCM; 47 female M.P.'s occupy "Special Women" seats, which were appointed by political parties based on the elected percentages of the constituent

seats; and 1 M.P. was nominated by President Mkapa. Women occupied seven seats in the Zanzibar House of Representatives. The 13th Amendment to the union Constitution, ratified in February 2001, requires that women occupy 20 percent of seats in Parliament. Four of the Cabinet's 27 ministers were women.

Section 4 Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

Several domestic human rights groups generally operated without government interference, investigating and publishing their findings on human rights cases. The Government generally was responsive to their views. In August the Legal and Human Rights Center, a local NGO, held its second annual general meeting, which was attended by a number of prominent domestic human rights activists as well as representatives of grassroots organizations. However, corruption at the grassroots level hampered NGO access and efforts to monitor violations of human rights. In the past, the Government delayed by 6 months to 1 year the registration of NGOs, including human rights groups. The Government continued to refuse registration of the African Human Rights and Justice Protection Network on the grounds that it was politically oriented. In November Parliament passed the NGO Act, which requires the registration of all NGOs, including human rights NGOs. It also requires all currently registered NGOs to reregister and makes failure to register a legal offense. However, the NGO Act had not been implemented by year's end.

In 2001 the Government appealed a High Court decision ordering the reinstatement of the National Women's Council, an NGO that the Government had deregistered in 1997; the Court had not heard the case by year's end, and the National Women's Council continued to operate throughout the year.

Representatives from HRW and AI visited in 2001 and during the year to conduct followup investigations on the January 2001 violence (see Section 2.b.). In its report, issued in January, AI welcomed the formation of the independent commission of inquiry that the Government established after the October 2001 reconciliation agreement. In April HRW released a report on the January 2001 violence, also based on investigations that were carried out in 2001. HRW concluded that "security forces committed gross abuses, killing at least 35 people and wounding more than 600 others, when they ruthlessly suppressed opposition demonstrations in Zanzibar."

The ICRC was accredited as a legal entity in December 2001.

In 2001 after more than 2 years of debate and intense pressure from AI and other NGOs, the Government passed a law to establish the Commission for Human Rights and Good Governance. On March 15, the Commission's seven commissioners officially assumed their duties in a ceremony attended by President Mkapa. The Commission has the power to investigate human rights abuses on its own initiative upon receipt of a complaint or allegation; however, it does not have jurisdiction over any matter that is pending before a court or other tribunal or any dispute that involves relations between the Government and a foreign state or international organization. Critics of the Commission's mandate and structure criticized the organization's lack of independence from the Government, arguing that it would render the entity ineffective. Critics specifically pointed to the selection process to choose commissioners, in which five commissioners are appointed by the President based on the recommendation of a government selection committee. During the year, the Commission received 2,765 new complaints in addition to the 1,000 complaints filed prior to its inception. The Commission had investigated 517 complaints by year's end.

Section 5 Discrimination Based on Race, Sex, Disability, Language, or Social Status

The Constitution prohibits discrimination based on nationality, tribe, origin, political affiliation, color, or religion. Discrimination based on sex, age, or disability was not prohibited specifically by law but was discouraged publicly in official statements. Discrimination against women and ethnic minorities persisted. Ethnic tensions in society continued. In 2001 Parliament created the Tanzania Parliamentarians AIDS Coalition (TAPAC) to address discrimination against persons infected with HIV/AIDS in the country.

Women

Domestic violence against women remained widespread. Legal remedies exist in the form of assault provisions under the Criminal Code; however, in practice these provisions were difficult to enforce. The Marriage Act includes a declaration against spousal battery, but does not prohibit it nor provide for any punishment. Traditional customs that subordinate women remained strong in both urban and rural areas, and local magistrates often upheld such practices. Women may be punished by their husbands for not bearing children. It is accepted for a husband to treat his wife as he wishes, and wife beating occurred at all levels of society. Cultural, family, and social pressures prevented many women from reporting abuses to the authorities. The Tanzania Media Women's Association

(TAMWA), a local NGO, reported that as many as 6 out of 10 women were beaten by their husbands. According to TAMWA, between October 2000 and September 2001, there were a total of 346 cases of domestic violence reported at the TAMWA crisis center. No updated statistics were available at year's end. Government officials frequently made public statements criticizing such abuses, but action rarely was taken against perpetrators. Police often had biases against pursuing domestic abuse cases and demanded bribes to investigate allegations.

The law provides for life imprisonment for persons convicted of rape and child molestation. Several persons were prosecuted and convicted for rape and battery under this law during the year. There were reports that members of the police raped women in Zanzibar and Pemba in the period following the 2000 elections and following the January 2001 demonstrations. Sexual and gender-based violence continued to be a problem in the refugee camps (see Section 2.d.). In 2001 Norwegian People's Aid (NPA) reported 76 rape cases committed by both citizens and refugees; however, in only 5 cases were the perpetrators jailed and sentenced.

Although the Government officially discouraged FGM, it still was performed at an early age by approximately 20 of the country's 130 main ethnic groups.

On July 16, a 10-year-old girl died following an FGM procedure in Singida; police arrested three women who were responsible. The women were prosecuted; however, the outcome still was pending at year's end.

On October 18, there was a report that a young girl died following an FGM procedure in Dodoma.

According to a 1996 health survey conducted by the Bureau of Statistics (the most recent study), FGM affected 18 percent of the female population. There were no updated statistics available by year's end. In some ethnic groups, FGM was compulsory, and in others, a woman who had not undergone the ritual may not be able to marry. Government data showed this to be a problem that varied by region, with the most affected regions being Arusha (81 percent of women), Dodoma (68 percent), Mara (44 percent), Kilimanjaro (37 percent), Iringa (27 percent), Tanga/Singida (25 percent), and Morogoro (20 percent). FGM was almost nonexistent in the rest of the country.

There was no law that specifically prohibited FGM. The country's educational curriculum did not include instruction on FGM, although the problem was covered occasionally in secondary schools. Government officials called for changes in practices that adversely affected women, and the Sexual Offenses Special Provisions Act, which prohibits cruelty against children, was used as the basis for campaigns against FGM performed on girls; however, there was no legal protection for adult women. In addition, police did not have adequate resources to protect victims. Some local government officials began to combat the practice. They convicted and imprisoned some persons who performed FGM on young girls, and there were prosecutions during the year. Seminars sponsored by various governmental organizations and NGOs were held regularly in an attempt to educate the public on the dangers of FGM and other traditional practices. These practices included the tradition of inherited wives, which critics contended contributed to the spread of HIV/AIDS, and child marriages, which are sanctioned with parental consent under the law for girls 12 years of age or older. Local authorities and NGOs believed that the incidence of FGM had declined; however, no new study of the practice had been made since 1996, when the Government reported an increasing trend. The Ministry of Health continued an educational campaign on FGM as part of its Safe Motherhood Initiative. The enforcement of policies to stop FGM remained difficult because some regional government officials were in favor of the practice or feared speaking out against it because of the power of traditional leaders.

Sex tourism, particularly in Zanzibar, remained a problem (see Section 6.f.).

In 2000 Parliament amended the Constitution to prohibit sexual harassment against women in the workplace by a person in authority. In 2000 several persons were arrested under the new law. Male colleagues sometimes harassed women seeking higher education, and the authorities largely ignored the practice.

Although the Government advocated equal rights for women in the workplace, it did not ensure these rights in practice. In the public sector, which employed 80 percent of the salaried labor force, certain statutes restricted women's access to some jobs or hours of employment. For example, in general women may not be employed between 10 p.m. and 6 a.m., although this restriction usually was ignored in practice (see Section 6.e.). While progress on women's rights was more noticeable in urban areas, strong traditional norms still divided labor along gender lines and placed women in a subordinate position. Discrimination against women was most acute in rural areas, where women were relegated to farming and raising children and had almost no opportunity for wage employment. Custom and tradition often hindered women from owning property and could override laws that provide for equal treatment.

The overall situation for women was less favorable in Zanzibar. Although women generally were not discouraged from seeking employment outside the home, women there and on many parts of the mainland faced discriminatory restrictions on inheritance and ownership of property because of concessions by the Government and courts to customary and Islamic law. While provisions of the law provide for certain inheritance and property rights for women, the application of customary, Islamic, or statutory law depended on the lifestyle and stated intentions of the male head of household. The courts have upheld discriminatory inheritance claims, primarily in rural areas. Under Zanzibari law, unmarried women under the age of 21 who become pregnant were subject to 2 years' imprisonment.

Several NGOs provided counseling and education programs on women's rights problems, particularly sexual harassment, sexual and gender-based violence, and molestation.

Children

The law provides for 7 years of compulsory education through the age of 15; however, education was not free on the mainland or in Zanzibar. Fees were charged for books, enrollment, and uniforms, with the result that some children were denied an education. In 2001 Parliament voted to provide free primary school education for all children under the age of 12. The legislation went into effect in January; however, there were inadequate numbers of schools, teachers, books, and other educational materials to meet the demand. In some cases, children were unable to attend school because poorly paid teachers demanded money to enroll them. The primary school dropout rate was between 30 and 40 percent. The literacy rate was approximately 70 percent; for girls it was 57 percent compared with 80 percent for boys. There were overall increases in the rate of girls' participation in school since 1990; however, the rate of girls' enrollment in school was lower than that of boys and generally declined with each additional year of schooling. In some districts, the attendance of girls continued to decline as the result of the need to care for younger siblings, household work, and early marriage, often at the behest of parents. Despite a law to permit pregnant girls to continue their education following maternity absences, the practice of forcing pregnant girls out of school continued.

Government funding of programs for children's welfare remained low. The Government made some constructive efforts to address children's welfare, including working closely with UNICEF and other international and local organizations to improve the well-being of orphans and neglected children. A WHO program for children under 1 year of age reportedly decreased the number of severe cases of malaria in the country, and the Government cooperated with the WHO in administering this program.

FGM was performed on girls, primarily in the central region (see Section 5, Women).

The law criminalizes child prostitution and child pornography. The minimum age for protection from sexual exploitation is 18 years. Under the law, sexual intercourse with a child under 18 years is considered rape regardless of consent; however, the law was not effective in practice because it is customary for girls as young as 14 years of age to be considered adults for the purposes of sexual intercourse and marriage. There were reports of child prostitution and other forms of trafficking in children (see Section 6.f.).

Unlike in the previous year, there were no reports that Burundian rebels abducted children from refugee camps in the country.

Persons with Disabilities

Although there was no official discrimination against persons with disabilities, in practice persons with physical disabilities effectively were restricted in their access to education, employment, and other state services due to physical barriers. The Government did not mandate access to public buildings, transportation, or government services for persons with disabilities and provided only limited funding for special facilities and programs.

National/Racial/Ethnic Minorities

In the past, the Government discriminated against the Barabaig and other nomadic persons in the north. These ethnic groups continued to seek compensation for past government discrimination seeking to make them adopt a more modern lifestyle and to restrict their access to pastoral lands that were turned into large government wheat farms. By year's end, there was no further information on the 1994 Barabaig class action suit against the Government and its appeals in 2001.

The Asian population, which was viewed unfavorably by many African citizens, declined by 50 percent in the past decade to approximately 50,000 persons. There were no laws or official policies that discriminated against Asians; however, as the Government placed great emphasis on market-oriented policies and privatization, public concern regarding the Asian minority's economic role increased. This led to demands by small, populist opposition parties for policies of "indigenization" to ensure that privatization did not increase the Asian community's economic predominance at the expense of the country's African population.

Section 6 Worker Rights

a. The Right of Association

Both the Constitution and the Trade Union Ordinance provide for freedom of association for workers, and the Government respected this right in practice. Worker rights were handled separately by the Union and Zanzibar Governments. The Union Government enforced labor laws for the mainland and the Zanzibar Government enforced legislation specific to Zanzibar and Pemba islands. The labor law that applies to the mainland applies to both public and private sector workers, but restricts the right of association for those workers broadly defined as "essential." The labor law in Zanzibar applies only to private sector workers.

Only approximately 5 to 7 percent of the country's 2 million wage earners were organized. Registered trade unions nominally represented 50 percent of workers in industry and government. According to the ILO, the number of workers who were unionized declined because workers no longer believed that unions could be agents for change. Union membership continued to decline during the year primarily due to the growth in the informal sector and the general feeling that unions remained ineffective. Seeking to bolster unions' effectiveness, the Trade Union Congress of Tanzania was established in 2000. All workers, including those classified broadly as essential service workers, were permitted to join unions, but essential workers were not permitted to strike.

The Trade Union Act permits workers to form unions voluntarily without requiring membership in an umbrella organization. There were a total of 12 unions operating in the country by year's end, including the teacher's union, which was the largest and most active union, as well as health workers' unions, and other job-specific groups.

The Registrar of Trade Unions has the power to interfere with union activities. The law permits the imposition of large fines, imprisonment, or both for failing to register a trade union. The Registrar also was permitted to deregister the smaller of two trade unions when more than one exists in an industry and to order the smaller union to rescind memberships. The Registrar can suspend a trade union for contravening the law or the union's own rules, suspend a union for 6 months on grounds of public order or security, and invalidate the union's international trade union affiliation if certain internal union procedures are not followed. The Registrar did not use these powers during the year.

The Security of Employment Act prohibits discriminatory activities by an employer against union members. Employers found guilty of antiunion activities were required under the law to reinstate workers. The Warioba Commission, in its White Paper Report, found that bribes often determined whether a worker dismissed from his job actually was reinstated. The labor law in Zanzibar does not protect trade union members from antiunion discrimination.

Unions were permitted to affiliate with international bodies. The local transport union was affiliated with the International Federation of Transport Unions, and the teacher's union was affiliated with Educators International.

b. The Right to Organize and Bargain Collectively

Collective bargaining was protected by law but did not apply to the public sector. The Government sets wages for employees of the Government and state-owned organizations administratively, although privatization and reductions in public sector employment reduced such employees to approximately 5 percent of the work force.

Unions directly negotiated with the Association of Tanzanian Employers on behalf of private sector members. Collective agreements must be submitted to the Industrial Court for approval and may be refused registration if they do not conform with the Government's economic policy. The ILO observed that these provisions were not in conformity with ILO Convention 98 on Collective Bargaining and the Right to Organize. By year's end, 11 of the 12 unions had collective bargaining agreements.

There were no laws prohibiting retribution against legal strikers; however, workers had the legal right to strike only

after complicated and protracted mediation and conciliation procedures leading ultimately to the Industrial Court, which received direction from the Ministry of Labor and Youth Development. If a union was not satisfied with the decision of the Industrial Court, it then could conduct a legal strike. The mediation and conciliation procedures can prolong a dispute for months without resolving it. Frustrated workers staged illegal wildcat strikes and walkouts pending a resolution of their cases in the Industrial Court. The regional ILO office continued to call upon the Government to ratify the other core conventions. In October 2001, the Government created a task force for labor reform that underwent training in ILO standards and regional trends. In July the task force began gathering input from stakeholders and the public. A final report was scheduled for release in January 2003.

During the year, Parliament passed the Export Processing Zone (EPZ) Act to establish EPZs on the mainland; three EPZ's already were established in Zanzibar. Working conditions were comparable to those in other areas. Labor law protections applied to EPZ workers.

c. Prohibition of Forced or Bonded Labor

The Constitution prohibits forced or bonded labor, including by children; however, there were reports that such practices occurred. In some rural areas, villagers still were obligated to work in the village community gardens or on small construction projects such as repairing roads.

There continued to be reports that forced and bonded labor by children occurred. The ILO and UNICEF reported that children who left home to work as domestic laborers in other towns or villages often were subjected to commercial sexual exploitation. Children worked in mines, commercial agriculture, or as domestic laborers, child soldiers, or prostitutes (see Sections 5 and 6.f.).

d. Status of Child Labor Practices and Minimum Age for Employment

The Government prohibits children under the age of 14 from working in the formal wage sector in both urban and rural areas, and the Government enforced this prohibition; however, the provision did not apply to children working on family farms or herding domestic livestock. Child labor continued to be a problem. The ILO estimated that 3.4 million out of 12.1 million children in the country under the age of 18 worked on a regular basis, and that 1 of every 3 children in rural areas was economically active, as compared to 1 in 10 in urban areas. The minimum age for work of a contractual nature in approved occupations is set at 15 years. Children between the ages of 12 and 15 may be employed on a daily wage and on a day-to-day basis, but they must have parental permission and return to the residence of their guardian at night.

The law prohibits young persons from employment in any occupation that is injurious to health and that is dangerous or otherwise unsuitable. Young persons between the ages of 12 and 15 may be employed in industrial work but only between the hours of 6 a.m. and 6 p.m., with some exceptions. The Ministry of Labor and Social Welfare and Youth Development was responsible for enforcement; however, the number of inspectors was inadequate to monitor conditions. The effectiveness of government enforcement reportedly declined further with increased privatization.

Approximately 3,000 to 5,000 children engaged in seasonal employment on sisal, tea, tobacco, and coffee plantations. Children working on plantations generally received lower wages than their adult counterparts, even if in comparable jobs. Work on sisal and tobacco plantations was particularly hazardous to children. Between 1,500 and 3,000 children worked in unregulated gemstone mines. Small children, so-called snake boys, worked in dangerous tanzanite mines where deaths were known to occur. The Mererani Good Hope Program for Youth, a member of the ILO's International Program to Eliminate Child Labor (IPEC), reported 12 deaths of snake boys under the age of 16 during the year. Girls often were employed as domestic servants, mostly in urban households and sometimes under abusive and exploitative conditions. In the informal sector, children assisted their parents in unregulated piecework manufacturing. Children were engaged in labor in the areas of mining, domestic service, fishing, commercial agriculture, and prostitution.

Several government ministries, including the Ministry of Labor and Youth Development, the Bureau of Statistics, and the Department of Information Services, have special child labor units. The Government worked with NGOs to establish a specific prohibition against child labor. The Government worked with the ILO's IPEC plan of action to address the problem of child labor, and during the year implemented a program for the elimination of child labor. The Government also worked with the ILO to make significant progress toward launching the "Time Bound Program to Eliminate the Worst Forms of Child Labor." The Government began the program in September, as one of three pilot projects worldwide to collaborate with the ILO in this effort.

The Constitution does not specifically prohibit forced or bonded child labor, and there continued to be reports that it occurred (see Section 6.c.).

e. Acceptable Conditions of Work

The a legal minimum wage for employment in the formal sector ws raised in July from approximately \$33 (30,000 shillings) per month to \$53 (48,000 shillings) per month. Even when supplemented with various benefits such as housing, transport allowances, and food subsidies, the minimum rate was not always sufficient to provide a decent standard of living for a worker and family, and workers had to depend on their extended family or on a second or third job. Despite the minimum wage, many workers, especially in the small but growing informal sector, were paid less.

There was no standard legal work week; however, a 5-day, 40-hour work week was in effect for government workers. Most private employers retained a 6-day, 44- to 48-hour work week. In general women could not be employed between 10 p.m. and 6 a.m. Several laws regulate safety in the workplace. The Ministry of Labor and Social Welfare and Youth Development managed an Occupational Health and Safety Factory Inspection System, which was set up with the assistance of the ILO; however, its effectiveness was limited. Labor standards were not enforced in the informal sector.

The Employment Services Promotion Act provides for a facility to promote job creation through self-employment opportunities, allows the Government to collect reliable data and information on vacancies for the unemployed, and facilitates employment with other agencies and private sector. The facility, the Labor Exchange Center, opened in August 2001 to match the skills, experience, education, and other qualifications of job seekers in Dar es Salaam with job qualification requirements of employers.

Union officials claimed that enforcement of labor standards was effective in the formal sector; however, no verification studies were performed. A large percentage of the workforce was employed in the informal sector, which was unregulated by labor standards.

Workers could sue an employer through their union if their working conditions did not comply with the Ministry of Labor's health and environmental standards. Workers who lodged and won such complaints did not face retribution; however, workers did not have the right to remove themselves from dangerous situations without jeopardizing their employment.

f. Trafficking in Persons

The law does not prohibit trafficking, and there continued to be reports that children were trafficked away from their families to work in mines, commercial agriculture, and as domestic laborers (see Section 5). The Sexual Offenses Special Provision Act of 1998 prohibits trafficking of persons for sexual purposes. It sets punishment for procuring at 10 to 20 years of imprisonment, or a fine of \$100 (100,000 shillings) to \$300 (300,000 shillings). The ILO and UNICEF reported that children who left home to work as domestic laborers ("housegirls") in other towns or villages often were subjected to commercial sexual exploitation. Some girls were trafficked to Zanzibar from different parts of the mainland and Mombasa to work as prostitutes for Zanzibaris and in the tourist industry.

Unlike in the previous year, there were no reports that rebels abducted children from refugee camps.

The Government participated in the ILO's "Time Bound Program to Eliminate the Worst Forms of Child Labor" to help end child prostitution.